

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Case No. 07-5944 SC

MDL No. 1917

This Document Relates to:
ALL ACTIONS

**[PROPOSED] ORDER ADOPTING
SPECIAL MASTER'S REPORT AND
RECOMMENDATION TO DENY
DIRECT PURCHASER PLAINTIFFS AND
INDIRECT PURCHASER PLAINTIFFS'
JOINT MOTION TO COMPEL
DEFENDANTS TO PRODUCE ENGLISH
TRANSLATIONS**

1 The Direct Purchaser Plaintiffs and Indirect Purchaser Plaintiffs' (collectively
2 "Plaintiffs") Joint Motion to Compel Defendants to Produce English Translations ("Plaintiffs'
3 Motion") came on for hearing before the Special Master on February 27, 2012. The Special
4 Master issued its Report and Recommendation to deny Plaintiffs' Motion on March 8, 2012 (the
5 "Special Master's Recommendation"). Defendants have timely filed a Motion to Adopt the
6 Special Master's Recommendation pursuant to paragraph 16 of this Court's June 16, 2008 Order
7 Appointing Special Master, and, pursuant to paragraph 17 of that Order, have provided the Court
8 with the relevant record for consideration of the Special Master's Recommendation.

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10 After full consideration of the Special Master's Recommendation, the points and
11 authorities submitted by the parties, and the Court's file in this matter, and good cause appearing
12 therefor, IT IS HEREBY ORDERED as follows:

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14 1. As established by the declarations submitted by Defendants, the translations
15 sought by Plaintiffs reveal defense counsel's "opinion" attorney work product in the selection of
16 documents for translation. The translations are therefore absolutely protected from discovery.

17 2. Alternatively, even if the disputed translations reflected only "ordinary"
18 work product, Plaintiffs have failed to meet their burden of demonstrating both a "substantial
19 need" for the translations and an "undue hardship" if the translations are not produced.
20 Defendants' translations represent only a small percentage of the foreign-language documents
21 produced in this case, and even if Defendants' uncertified, rough and often incomplete translations
22 were produced, Plaintiffs would still be required to obtain certified translations of the same
23 underlying documents.

24 3. Accordingly, Defendants' Motion to Adopt the Special Master's
25 Recommendation to deny Plaintiffs' Motion is GRANTED. The Special Master's
26 Recommendation is ADOPTED in its entirety.

1 **IT IS SO ORDERED.**

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3 DATED: _____

4 HON. SAMUEL CONTI
5 UNITED STATES DISTRICT JUDGE
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